

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

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| NIKKI BOLLINGER GRAE, <i>Individually and</i>) | Civil Action No.: 3:16-cv-02267 |
| <i>on Behalf of All Others Similarly Situated,</i>) | |
| et al.,) | Judge Aleta A. Trauger |
| Plaintiffs,) | Magistrate Judge Jeffery Frensley |
| vs.) | |
| CORRECTIONS CORPORATION OF) | |
| AMERICA, et al.,) | |
| Defendants.) | |

**PRODUCING PARTY FEDERAL BUREAU OF PRISON’S MOTION TO CONTINUE
THE SEALING OF CERTAIN DOCUMENTS FILED IN CONNECTION WITH
PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT**

On January 25, 2021, the Court issued an Order Granting Plaintiff’s Omnibus Motion Regarding Filing Documents Under Seal (“Order”). *See* DE 402. The Order stipulated that certain Designated Confidential Documents shall be unsealed unless Defendants or Federal Bureau of Prisons ("BOP" or "Producing Party") filed a motion seeking the continued sealing of the documents.

Pursuant to Local Rules 5.03 and 7.01, the Revised Stipulation and Protective Order entered in this case (DE 86) (the “Protective Order”), and the Stipulation and Order Amending Protective Order to Protect Source Selection Information (DE 177) (the “SSI Protective Order”), BOP respectfully requests that the Court direct the Clerk to continue the sealing of: (i) certain pages of DE 398-8, Deposition of Douglas M. Martz; (ii) DE 362-16, Source Selection Decision RFP-PCC-0022 (“SSD 0022”); (iii) certain pages of DE 398-3, Deposition of D. Scott Dodrill; (iv) certain pages of DE 400-12, Deposition of Harley G. Lappin; (v) DE 399-22, After-Action Report, Adams County Correctional Center (“After-Action Report”); (vi) certain pages of DE 401-

19 Expert Report of Donna Mellendick; (vii) certain pages of DE 401-20 Deposition of Donna Mellendick; (viii) certain pages of DE 400-17, Email Correspondence between Donna Mellendick and Cathy Scott; and (ix) CCA's Contractor Performance Assessment Reporting System (CPARS) past performance records.

The information BOP seeks to maintain under seal: (i) was designated as Source Selection Information by the BOP; (ii) contains confidential and sensitive information and procedures concerning the BOP's privatized corrections contracts; (iii) details the correctional security protocols at correctional facilities, which could create a security risk to BOP institutions if made public; (iv) contains protected inmate medical information; and (v) contains references to Defendant's internal policies, which may constitute confidential or proprietary information.

The undersigned certifies that he conferred with counsel for Plaintiff and Defendants pursuant to Local Rule 7.01(a)(1), and the parties' positions are as follows. BOP moves to maintain the seal of:

(i) transcript pages 151:1-163:5, 163:13-164:7, 164:10-175:14, 176:2-181:13, and 182:22-196:25 of DE 398-8, of the Deposition of Douglas M. Martz. All parties agree to keep these pages sealed.

(ii) transcript pages 77:1-92:25, 101:1-108:25, and 117:1-120:25 of DE 398-3, the Deposition of D. Scott Dodrill. Neither Plaintiff nor Defendants oppose keeping these pages under seal.

(iii) transcript pages 53:1-60:25 and 145:1-156:25 of DE 400-12, the Deposition of Harry G. Lappin. Neither Plaintiff nor Defendants oppose keeping these pages under seal.

(iv) DE 399-22, After-Action Report. Neither Plaintiff nor Defendants oppose keeping these pages under seal.

(v) pages 13, 17, 20-22, 26 of the Expert Report of Donna Mellendick (DE 401-19). Defendants do not object, and Plaintiff objects to maintaining the seal on these pages.

(vi) transcript pages 89:1-96:25, 117:1-120:25 of DE 401-20, the Deposition of Donna Mellendick. Neither Plaintiff nor Defendants oppose keeping these pages under seal.

(vii) DE 400-17, Email Correspondence between Donna Mellendick and Cathy Scott, except for pages BOP_0246690 and BOP_0246733. Plaintiff does not oppose maintaining these documents under seal, and Defendants did not object.

(ix) CCA's Contractor Performance Assessment Reporting System (CPARS) past performance records. Plaintiff objects to keeping these documents under seal. Defendants do not oppose BOP's motion to keep these documents under seal.

(x) SSD 0022 (DE 362-16) be kept under seal. Plaintiff opposes keeping SSD 0022 under seal; Defendants do not oppose maintaining the seal.

BOP is filing a memorandum of law, and the declarations of Ryan Wynne and Eric Emmerich, in support of this motion.

DATED: February 12, 2021

Respectfully submitted,

DONALD Q. COCHRAN
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Middle District of Tennessee

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2021, service of the foregoing document was made upon the following Filing Users through the Court's Electronic Filing System:

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s/ Mark H. Wildasin
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